

# EXHIBIT 1

CV-05-996

State of Alabama  
Unified Judicial System

Form ARCivP-93 Rev. 5/99

**COVER SHEET**  
**CIRCUIT COURT - CIVIL CASE**  
(Not For Domestic Relations Cases)

Case Number

CV [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

Date of Filing:

Month [ ] [ ] Day [ ] [ ] Year [ ] [ ] [ ] [ ] [ ] [ ]

Judge Code:

[ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

**GENERAL INFORMATION**IN THE CIRCUIT COURT OF Montgomery County, ALABAMA

Hazel M. Roby

(Name of County)

Benton Express, Inc., et al.

Plaintiff

Defendant

First Plaintiff

☐ Business☒ Individual☐ Government☐ Other

First Defendant

☒ Business☐ Individual☐ Government☐ Other**NATURE OF SUIT:** Select primary cause of action, by checking box (check only one) that best characterizes your action:**TORTS: PERSONAL INJURY**

- ☒ WDEA - Wrongful Death  
☐ TONG - Negligence: General  
☒ TOMV - Negligence: Motor Vehicle  
☒ TOWA - Wantonness  
☐ TOPL - Product Liability/AEMLD  
☐ TOMM - Malpractice-Medical  
☐ TOLM - Malpractice-Legal  
☐ TOOM - Malpractice-Other  
☐ TBFM - Fraud/Bad Faith/Misrepresentation  
☐ TOXX - Other: \_\_\_\_\_

**TORTS: PROPERTY INJURY**

- ☐ TOPE - Personal Property  
☐ TORE - Real Property

**OTHER CIVIL FILINGS**

- ☐ ABAN - Abandoned Automobile  
☐ ACCT - Account & Nonmortgage  
☐ APAA - Administrative Agency Appeal  
☐ ADPA - Administrative Procedure Act  
☐ ANPS - Adults in Need of Protective Services

**OTHER CIVIL FILINGS (cont'd)**

- ☐ MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/  
Enforcement of Agency Subpoena/Petition to Preserve  
☐ CVRT - Civil Rights  
☐ COND - Condemnation/Eminent Domain/Right-of-Way  
☐ CTMP - Contempt of Court  
☐ CONT - Contract/Ejectment/Writ of Seizure  
☐ TOCN - Conversion  
☐ EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction  
☐ CVUD - Eviction Appeal/Unlawful Detainer  
☐ FORJ - Foreign Judgment  
☐ FORF - Fruits of Crime Forfeiture  
☐ MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition  
☐ PFAB - Protection From Abuse  
☐ FELA - Railroad/Seaman (FELA)  
☐ RPRO - Real Property  
☐ WTEG - Will/Trust/Estate/Guardianship/Conservatorship  
☐ COMP - Workers' Compensation  
☐ CVXX - Miscellaneous Circuit Civil Case

FILED  
CIRCUIT COURT OF  
MONTGOMERY COUNTY  
2005 APR 20 PM 2:28**ORIGIN (check one):**F ☒ INITIAL FILINGA ☐ APPEAL FROM  
DISTRICT COURTO ☐ OTHER: \_\_\_\_\_R ☐ REMANDEDT ☐ TRANSFERRED FROM  
OTHER CIRCUIT COURT**HAS JURY TRIAL BEEN DEMANDED?**☒ YES ☐ NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P., for procedure)

**RELIEF REQUESTED:**☒ MONETARY AWARD REQUESTED☐ NO MONETARY AWARD REQUESTED**ATTORNEY CODE:**

B 0 0 0 2 9

Date 04-20-05Signature of Attorney/Party filing this form  
L. Boone**MEDIATION REQUESTED:**☐ YES ☐ NO ☐ UNDECIDED



IN THE CIRCUIT COURT FOR  
MONTGOMERY COUNTY, ALABAMA

HAZEL M. ROBY, as Administratrix of  
the Estate of RONALD TYRONE  
ROBY, Deceased,

Plaintiff,

v.

BENTON EXPRESS, INC; Fictitious  
Defendant "A", the employer of Craig  
Anthony Stephens; Fictitious Defendant  
"B", the supervisor of Craig Anthony  
Stephens; Fictitious Defendant "C", the  
Owner of the vehicle driven by Craig  
Anthony Stephens; Fictitious Defendant  
"D", the Safety Director of Benton  
Express, Inc.; Fictitious Defendants "E,"  
"F," "G," and "H," whether singular or  
plural, those other persons, firms,  
partnerships, corporations, and/or other  
legal entities whose wrongful conduct  
caused or contributed to cause the death  
of RONALD TYRONE ROBY, all of  
whose true and correct names are  
unknown to the Plaintiff at this time, but  
will be substituted by amendment when  
ascertained,

Defendants.

CIVIL ACTION NO.  
CV-2005- 996

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COMPLAINT

STATEMENT OF THE PARTIES

1. Plaintiff, Hazel M. Roby, is over the age of 19 years and resides in Montgomery County, Alabama.
2. Plaintiff is the widow of Ronald Tyrone Roby and is the duly appointed Administratrix of the Estate of Ronald Tyrone Roby.

3. Defendant Benton Express, Inc. is a foreign corporation whose principal place of business is 1045 South River Industrial Boulevard South, Atlanta, Georgia.

4. Fictitious Defendant "A" is the employer of Craig Anthony Stephens.

5. Fictitious Defendant "B" is the supervisor of Craig Anthony Stephens.

6. Fictitious Defendant "C" is the owner of the vehicle driven by Craig Anthony Stephens.

7. Fictitious Defendant "D" is the safety director of Benton Express, Inc.

8. Fictitious Defendants "E," "F," "G," and "H," whether singular or plural, are those other persons, firms, partnerships corporations or other entities whose wrongful conduct caused or contributed to cause the death of Ronald Tyrone Roby.

9. The true and correct names of all fictitious Defendants are unknown to Plaintiff at this time, but will be substituted by amendment when ascertained.

#### **STATEMENT OF THE FACTS**

10. At all times material hereto, Craig Anthony Stephens was employed by Benton Express, Inc.

11. On April 11, 2005, Ronald Tyrone Roby, was operating a motor vehicle in a southerly direction on Interstate Highway I-65 at the I-65/I-85 Interchange in Montgomery County, Alabama..

12. On the aforesaid date, Craig Anthony Stephens was operating an 18-wheel tractor and trailer at the I-65/I-85 Interchange.

13. Prior to reaching the I-65/I-85 interchange, Craig Anthony Stephens had been driving in a reckless and highly dangerous manner.

14. Defendant Benton Express, Inc. owned the vehicle operated by Craig Anthony Stephens.

15. At all times pertinent hereto Craig Anthony Stephens was an agent of Benton Express, Inc. and was acting within the line and scope of his employment.

16. This action is brought pursuant to *Code of Alabama*, §6-5-410.

**COUNT ONE**  
**(Negligence)**

17. Plaintiff realleges paragraphs 1 through 17 of the complaint as if fully set out here in.

18. At the aforesaid time and place, Craig Anthony Stephens negligently operated the 18-wheel tractor trailer he was driving causing it to fall off Interstate Highway I-85 and crash into the vehicle driven by Ronald Tyrone Roby.

19. The Roby vehicle was caused to explode into flames and burn.

20. Ronald Tyrone Roby died in the collision and resulting fire.

21. As a proximate consequence of Craig Anthony Stephens' negligence, Ronald Tyrone Roby was wrongfully killed.

Wherefore, Hazel M. Roby, as Administratrix of the Estate of Ronald Tyrone Roby, deceased, demands judgment against Defendants in such amount as a jury may award and her costs of this action.

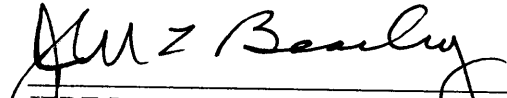
**COUNT TWO**  
**(Wantonness)**

22. Plaintiff Hazel M. Roby realleges paragraphs 1 through 16, 19, and 20 of the complaint as if set out here in full.

23. At the aforesaid time and place, Craig Anthony Stephens so wantonly operated his the 18-wheel tractor-trailer so as to cause it to crash on top of the vehicle being driven by Ronald Tyrone Roby.

24. As a proximate consequence of Craig Anthony Stephens' wantonness, Ronald Tyrone Roby was wrongfully killed.

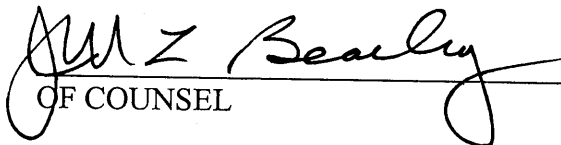
Wherefore, Plaintiff, Hazel M. Roby, as Administrator of the Estate of Ronald Tyrone Roby, deceased, demands judgment against Defendants in such amount as a jury may award and her costs of this action.

  
JERE L. BEASLEY (BEA020)  
LABARRON N. BOONE (BOO029)  
JULIA A. BEASLEY (BEA039)

**OF COUNSEL:**

**BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES, P.C.**  
218 Commerce Street  
Post Office Box 4160  
Montgomery, Alabama 36103-4160  
(334) 269-2343 – Telephone  
(334) 954-7555 – Facsimile

**PLAINTIFF DEMANDS A TRIAL BY JURY**

  
OF COUNSEL

Defendants may be served as follows:

Benton Express, Inc.  
c/o Rodney Nix  
4141 Thomasville Highway  
Moultrie, Georgia 31768

IN THE CIRCUIT COURT FOR  
MONTGOMERY COUNTY, ALABAMA

HAZEL M. ROBY, as Administratrix of §  
the Estate of RONALD TYRONE §  
ROBY, Deceased, §

Plaintiff, §

v. §

CIVIL ACTION NO. §  
CV-2005- 996 §

BENTON EXPRESS, INC; Fictitious §  
Defendant "A", the employer of Craig §  
Anthony Stephens; Fictitious Defendant §  
"B", the supervisor of Craig Anthony §  
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caused or contributed to cause the death §  
of RONALD TYRONE ROBY, all of §  
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will be substituted by amendment when §  
ascertained, §

Defendants. §

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NOTICE OF VIDEOTAPED DEPOSITION

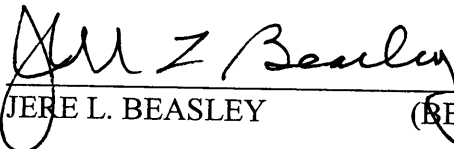
Please take notice that on June 20, 2005, at 218 Commerce Street, Montgomery, Alabama 36104, pursuant to the Alabama Rules of Civil Procedure 30(b)(5) and (6), the Plaintiff in the above-styled and referenced matter will take the videotaped deposition of Benton Express, Inc. Benton Express, Inc. shall designate one or more officers, directors, managing agents, or other persons with authority to bind Benton Express, Inc. and who



consent to testify on behalf of Benton Express, Inc. Said designee(s) shall testify as to all matters known or reasonably available to Benton Express, Inc. Plaintiff requests that Defendant, Benton Express, Inc. produce for examination the person or persons familiar and most knowledgeable with all matters know or reasonably available to the corporation regarding the deposition topics hereinafter set forth. The deposition will take place at a mutually agreed upon place and time by the parties, and will continue thereafter from day to day until completed. Said deposition shall be recorded by videographic and stenographic means.

The plaintiff will depose the company/corporate representative of Benton Express, Inc. selected by said defendant as being the person(s) most familiar and knowledgeable with the following topics:

1. The wreck that occurred on April 11, 2005, in Montgomery County, Alabama, at the interchange of Interstate Highways I-85 and I-65, involving Craig Anthony Stephens and Ronald Tyrone Roby.
2. The policies and procedures of Benton Express, Inc. as they relate to drivers of 18-wheel tractor and trailers.
3. The personnel file of Craig Anthony Stephens.
4. The selection, training, and retention of drivers for Benton Express, Inc.

  
JERE L. BEASLEY (BEA020)

OF COUNSEL:

**BEASLEY, ALLEN, CROW, METHVIN,  
PORTIS & MILES, P.C.**

218 Commerce Street  
Montgomery, Alabama 36103-4160  
(334) 269-2343 – Telephone  
(334) 954-7555 – Facsimile

**TO BE SERVED UPON DEFENDANTS WITH THE  
SUMMONS AND COMPLAINT**